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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,900	10/05/1999	KURUMI MORI	1232-4577	1257

7590 12/18/2003

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,900

Applicant(s)

MORI, KURUMI

Examiner

Courtney D. Fields

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 09/12/2003 have been fully considered but they are not persuasive.

2. Referring to the rejection of claims 1,7,13, and 14, the Applicant argues that Ishiguro et al. does not disclose enciphering means at the communication of information. The Examiner disagrees and asserts that Ishiguro et al. teaches the means for enciphering by transmitting data from the 1394 interface of a DVD player to the personal computer in Column 7, lines 23-65. Ishiguro et al. also discloses the means for processing encipherment and decipherment of data which is communicated through a 1394 bus, performed by a 1394 interface in Column 12, lines 6-11.

Referring to the rejection of claims 6 and 12, the Applicant argues that Ishiguro et al. does not disclose a received signal being enciphered, nor does he disclose or suggest discriminating whether received information is enciphered. The Examiner disagrees and asserts that Ishiguro et al. teaches the means for a ID requesting signal being enciphered by a pseudo-random function and transferred to the DVD player in Column 11, lines 5-54. Ishiguro et al. also discloses the means for discriminating whether or not the enciphering process is legally or illegally licensed from the proprietor of the copyright in Column 11, lines 60-65.

Referring to the rejection of claim 21, the Applicant argues that Ishiguro et al. is silent to a transfer device being present in a transmission channel or for means of enciphering. The Examiner disagrees and asserts that Ishiguro et al. teaches the means for transferring data by using a linear feedback shift register. This device consist of a

condition discrimination section which is used to transfer data bits for enciphering data from the DVD player to the magneto-optical disk and the personal computer through the 1394 bus in Column 14, lines 34-54.

3. The rejection of claims 1-33 are maintained in view of the reasons above and in the view of the rejections below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishiguro et al. U.S. Patent No. 6,256,391. Referring to claims 1 and 7, Ishiguro et al. discloses an apparatus and method comprising: enciphering means for the transmission information and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information (See Column 6, lines 41-50, Column 7, lines 23-47)

Referring to claims 2, 8, and 15, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes: designation means for designating whether or not to execute enciphering on said transmission information and means for

selecting whether or not to use said enciphering means according to the designation from an information transmitting person (See Column 7, lines 48-59)

Referring to claims 3, 9, and 16, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes medium discrimination means for discriminating the communication medium connecting the apparatus of the information transmitting side (DVD player) and the apparatus of the information receiving side (personal computer), and selects whether or not to use said enciphering means according to the connecting communication medium (See Column 7, lines 60-65, Column 11, lines 60-62)

Referring to claims 4, 10, and 17, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes cipher permission discrimination means for discriminating whether the deciphering is possible at the apparatus of the information receiving side (personal computer), and selects whether or not to use said enciphering means according to the result of said discrimination (See Column 7, lines 66-67, Column 8, lines 1-5, 16-47)

Referring to claims 5, 11, and 18, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes secrecy level discrimination means for discriminating the level of secrecy of said transmission information, and selects whether or not to use said enciphering means according to the result of said discrimination (See Column 6, lines 62-67, Column 7, lines 1-22)

Referring to claims 6 and 12, Ishiguro et al. discloses an apparatus and method comprising: cipher discrimination means for discriminating whether the received

information is enciphered and error process means for executing a predetermined error process in case said cipher discrimination means identifies that said received information is enciphered (See Column 16, lines 31-45)

Referring to claim 13, Ishiguro et al. discloses a system comprising: an information transmitting apparatus including enciphering means for the transmission information and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information and an information receiving apparatus including at least decoding means for decoding the non-ciphered received information cipher discrimination means for discriminating whether the received information is enciphered and error process means for executing a predetermined error process in case said received information is discriminated as to be enciphered (See Column 6, lines 41-50, Column 7, lines 23-47, Column 12, lines 52-61 and Column 16, lines 31-45)

Referring to claim 14, Ishiguro et al. discloses a system comprising: an information transmitting apparatus including enciphering means for the transmission information and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information and an information receiving apparatus including cipher discrimination means for discriminating whether the received information is enciphered and decoding means for decoding the enciphered received information, in case said received information is discriminated as being enciphered (See Column 6, lines 41-50, Column 7, lines 23-47, and Column 12, lines 30-40)

Referring to claims 19 and 20, Ishiguro et al. discloses the claimed limitation of a computer readable memory medium (ROM, RAM, EEPROM, hard disk) storing a

program for functioning a computer as means described in claims 1 and 7 (See Column 5, lines 39-56, 66-67, Column 6, lines 1-15)

Referring to claim 21, Ishiguro et al. discloses an apparatus comprising: enciphering means for enciphering information, means for discriminating whether an intermediate transfer device is present in a transmission channel, and control means for causing said enciphering means to encipher the information in case said discrimination means discriminates that the intermediate transfer device is present (See Column 9, lines 45-67, Column 10, lines 1-18)

Referring to claim 22, Ishiguro et al. discloses the claimed limitation wherein said intermediate transfer device is a server (not shown) (See Figure 1 and Column 5, lines 46-47)

Referring to claim 23, Ishiguro et al. discloses the claimed limitation wherein said discrimination means is adapted to discriminate whether said intermediate transfer device is present, based on the destination address of the information (See Column 13, lines 60-67)

Referring to claims 24-33, Ishiguro et al. discloses the claimed limitation of a computer readable memory medium (magneto-optical disk) storing a program for functioning a computer as means described in claims 2-12 (See Column 5, lines 57-65)

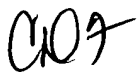
Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



cdf
December 8, 2003


GILBERTO BARRON
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